

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96347

Nobuhiko FUSHIMI, et al.

Appln. No.: 10/591,403

Group Art Unit: 4173

Confirmation No.: 9581

Examiner: Jonathan S. Lau

Filed: September 1, 2006

For: FUSED HETEROCYCLE DERIVATIVE, MEDICINAL COMPOSITION CONTAINING  
THE SAME, AND MEDICINAL USE THEREOF

**RESPONSE TO RESTRICTION/ELECTION**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the outstanding restriction requirement of January 3, 2008, Applicants

elect as follows:

They elect Group I, claims 1-16, drawn to a fused heterocyclic derivative and  
pharmaceutical compositions thereof.

Since Applicants have elected Group I, they respond to the **first** and **second** species  
elections as follows:

In the fused heterocyclic derivatives, they elect the compound of Example 3: 2-( $\beta$ -D-glucopyranosyl)-7-(4-methylbenzyl)benzo[b]thiophene, on which claims 1-2 and 4-16 read, and elect "diabetes" as the species of disease for which the compound is an agent for treatment.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



/Peter D. Olexy/  
Peter D. Olexy  
Registration No. 24,513

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 15, 2008